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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

STEPHEN LAFORGE and BUNNY
LAFORGE,

Plaintiffs,

v.

RICHLAND HOLDINGS, INC. d/b/a
ACCTCORP OF SOUTHERN NEVADA, a
Nevada Corporation; R.C. WILLEY aka RC
WILLEY FINANCIAL SERVICES, and
RANDALL CORPORATION d/b/a Bowen
Law Offices; CALEB J. LANGSDALE, ESQ.
dba The LANGSDALE LAW FIRM, P.C.,

Defendants.

Case No: 2:17-cv-782-APG-VCF

**STIPULATION AND ORDER TO
EXTEND DISCOVERY CUTOFF AND
DISPOSITIVE MOTION DEADLINE**

(SECOND REQUEST)

Pursuant to Local Rule 26-4, Defendants Richland Holdings, Inc. d/b/a AcctCorp of Southern Nevada (“AcctCorp”); RC Willey aka RC Willey Financial Services (“RC Willey”); Randall Corporation d/b/a Bowen Law Offices (“Bowen”); and The Langsdale Law Firm, P.C. (“Langsdale”) (collectively, “Defendants”), and Plaintiffs Stephen LaForge and Bunny LaForge (collectively, “Plaintiffs”), by and through their respective counsel of record, hereby stipulate as follows:

1 1. On March 17, 2017, Plaintiffs filed their Complaint against Defendants. *See* ECF
2 No. 1.

3 2. On April 10, 2017, Langsdale filed its Motion to Dismiss Plaintiffs' Complaint. *See*
4 ECF No. 9.

5 3. On April 28, 2017, AcctCorp filed its Motion to Dismiss Plaintiffs' Complaint, or
6 in the alternative, Motion for More Definite Statement. *See* ECF No. 14. RC Willey, Bowen, and
7 Langsdale subsequently filed joinders to AcctCorp's Motion to Dismiss. *See* ECF Nos. 18, 19, &
8 23.

9 4. On May 3, 2017, Langsdale filed its Motion to Strike Plaintiffs' Errata to their
10 Opposition to Motion to Dismiss. *See* ECF No. 22.

11 5. On May 24, 2017, this Court entered a Discovery Plan and Scheduling Order
12 ("Scheduling Order"). *See* ECF No. 35. The Scheduling Order set a discovery cut-off date of
13 October 9, 2017. In addition, the Scheduling Order set the dispositive motion deadline for
14 November 8, 2017. *See id.*

15 6. On October 12, 2017, the Court entered an Order on the parties' first request to
16 modify the Scheduling Order, which subsequent Order extended the discovery cutoff, to conduct
17 discovery referenced therein, to November 9, 2017. *See* ECF No. 42. That subsequent Order also
18 extended the dispositive motion deadline to December 9, 2017. *See id.* Therefore, this is the
19 parties' second request to modify the Scheduling Order.

20 7. According to Local Rule 26-4(a), the parties have completed the following
21 discovery:

22 a. The parties have served their initial disclosures pursuant to Federal Rule of Civil
23 Procedure, Rule 26(a).

24 b. The parties have propounded and responded to discovery requests.

25 c. The parties have taken several depositions: Caleb Langsdale and the Langsdale Law
26 Firm's Rule 30(b)(6) corporate designee; Stephen Laforge; Bunny Laforge; Michael Boswell; and
27 Pam Irvine.

1 d. On October 17, 2017, AcctCorp, RC Willey, and Bowen filed an Emergency Motion for
2 Order to Produce Credit Reports (“Credit Report Motion”). *See* ECF No. 44. Plaintiffs did not
3 oppose the Credit Report Motion.

4 e. On October 24, 2017, because counsel for AcctCorp, RC Willey, and Bowen had not been
5 able to coordinate for a mutually agreeable deposition date and time with CRN’s counsel, defense
6 counsel served its notice of intent and Amended Subpoena, setting the deposition of CRN for
7 November 7, 2017.

8 f. On November 1, 2017, the Court held a hearing on Defendants’ Protective Order Motion
9 and Credit Report Motion, and the Court ordered that Plaintiffs would be permitted to take the
10 depositions of David Kaplan and the FRCP 30(b)(6) designee for AcctCorp, which were to be
11 completed by November 22, 2017. *See* ECF No. 48. The Court ordered that Plaintiffs would be
12 prohibited from taking the depositions of Marge Liggio, Sarah Banda, and Jerome Bowen. *See id.*

13 g. The Court also granted the Credit Report Motion as unopposed. *See* ECF Nos. 48 & 50.

14 h. On November 6, 2017, counsel for Langsdale, AcctCorp, RC Willey, and Bowen met and
15 conferred with counsel for CRN, who has agreed to make his client available for deposition on
16 December 7, 2017, which CRN’s counsel represented at that time was the only date that both
17 counsel and the deponent could be available. Accordingly, Defendants took the November 7, 2017
18 deposition off calendar to reschedule it to December 7, 2017, to accommodate CRN and its
19 counsel’s availability. Plaintiffs’ counsel has recently represented to Defendants that CRN and its
20 counsel are available for a deposition between December 8 and December 15, 2017, if needed.
21 Defendants have attempted to confirm this representation with CRN’s counsel, but have not
22 received a response.

23 8. According to Local Rule 26-4(b), the parties have not completed the following
24 discovery, which was timely noticed or served before November 9, 2017:

25 a. AcctCorp, RC Willey, and Bowen are currently awaiting Experian’s response to the
26 Court’s Order.

1 b. The parties are working together to coordinate the scheduling of the depositions of David
2 Kaplan and the FRCP 30(b)(6) designee for AcctCorp, which the parties are concerned will not be
3 able to proceed before November 22, 2017 in light of the schedules and availability of all counsel
4 and of the deponents themselves.

5 c. Defendants intend to proceed with the deposition of CRN on December 7, 2017.

6 d. Both parties have stipulated and agreed that no additional written discovery will be
7 propounded, and no new depositions will be subpoenaed or noticed.

8 9. Due to the unavailability of counsel and the various prospective deponents, the
9 parties will be unable to complete discovery prior to the November 9, 2017 cutoff, or before the
10 November 22, 2017 date by which the Court ordered the depositions of Mr. Kaplan and AcctCorp's
11 30(b)(6) designee to occur. Moreover, although the parties disagree as to the propriety of Mr.
12 Jacobs'/CRN's deposition, that cannot take place, if at all, until at least December 7, 2017.

13 10. In light of the anticipated extension of the discovery cutoff, the parties also believe
14 that a corresponding extension of the dispositive motion deadline is also appropriate.
15 Accordingly, the parties stipulate to extend the deadlines by which the additional depositions
16 referenced herein are to be completed to **December 15, 2017**.

17 11. Additionally, the parties stipulate to extend the dispositive motion deadline to
18 **January 15, 2017**, to accommodate the proposed deposition deadline extension.

19 ~~15, 2017~~ 16, 2018

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IT IS SO STIPULATED.

Dated: November 16, 2017

Dated: November 16, 2017

THE LAW OFFICE OF VERNON NELSON

MARQUIS AURBACH COFFING

By: /s/ Vernon Nelson

By: /s/ Jared Moser

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Dated: November 16, 2017

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By: /s/ Timothy Lepore

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ORDER

After reviewing the stipulation and the parties representations contained therein, the Court finds good cause exists to modify the Scheduling Order [ECF No. 35] and the subsequent Order modifying the schedule set forth therein [ECF No. 42], and hereby orders:

1. The deadline to complete the depositions contained in the stipulation shall be extended to **December 15, 2017**, subject to the parties' respective rights to present any arguments in opposition to these depositions.

2. No additional depositions are to be noticed or subpoenaed beyond those contained in the stipulation, and no additional written discovery shall be permitted.

3. The deadline to file dispositive motions in this case shall be extended to **January 15, 2017.** 16, 2018.

IT IS SO ORDERED.

Dated this 17th day of November, 2017.



CAM FERENBACH
UNITED STATES MAGISTRATE JUDGE

The Joint Pretrial Order is due by 2-16-2018. If dispositive motions are filed, the deadline for filing the joint pretrial order will be suspended until 30 days after decision on the dispositive motions or further court order.